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JAMES S. GREEN, JR.  
JARED T. GREEN

February 2, 2024

*Via: CM/ECF*

The Honorable Maryellen Noreika  
U.S. District Court District of Delaware  
Caleb Boggs Federal Building  
844 N. King Street; Unit 19 Room 4324  
Wilmington, DE 19801

**RE: *Arbor Pharmaceuticals et al. v. Saba Ilac Sanayii ve Ticaret AS***  
***C.A. No. 22-353-MN (Consolidated)***

Dear Judge Noreika:

In light of defendant Alkem Laboratories Ltd.'s dismissal from this case, and thus Alkem no longer will be participating in the trial scheduled to start on Monday, I submit this joint letter on behalf of defendant Saba and with the approval of plaintiffs.

Without Alkem, the parties agree that they can reduce the time needed for trial. Therefore, the parties request that plaintiffs and defendant each are allotted 6.5 hours for opening statements and presenting evidence and an additional 30 minutes for closing statements, for a total of 7 hours per side.

In addition, one of Saba's witnesses, Mr. Klenk, due to a medical emergency in another case in which he is testifying in Ohio that delayed his schedule, may not arrive in time for potential Tuesday testimony. In view of this, and in view of the discussion with the Court's clerk during the tech session this afternoon in which it was indicated that the Court may require the trial to be limited to Monday and Tuesday, Saba proposes two alternate possibilities:

- 1) If the Court determines that the trial time is such that all trial will be Monday and Tuesday, Saba requests a modification of the pretrial Order paragraphs 78 and 79, such that Mr. Klenk can be the last witness to testify before closing arguments, with the caveat that airline or other transportation delays may prevent him from appearing on Tuesday at all.
- 2) Alternatively, Mr. Klenk can be available to testify on Wednesday or Thursday, at the Court's convenience, and in whatever order the Court deems fit.

*The Honorable Maryellen Noreika*

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Finally, the parties have agreed per the attached stipulation, and with the Court's permission, to resolve the claim construction issue.

Counsel remains available at the Court's convenience should Your Honor have any questions or concerns.

Respectfully submitted,

*/s/ James S. Green, Jr.*

James S. Green, Jr. (#4406)

JSG/cth

Encl.

cc: All counsel of record (CM/ECF).